

WEDNESDAY, FEBRUARY 25, 1987

TWELFTH LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker Murray.

The proceedings were opened with prayer by Brother Stanley McNery, Oak Grove Church of Christ, McMinnville, Tennessee.

Representative Hillis led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present ..... 95

Representatives present were: Bell, Bewley, Bivens, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--95.

The Speaker announced that Representative Davidson was excused because of business.

The Speaker announced that Representative Bragg was excused because of NCSL Meeting.

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**REPORT OF COMMITTEE ON CALENDAR AND RULES**

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Wednesday, February 25, 1987: House Bills Nos. 153, 232, 321, 96, 20, 19, 29, 249, 404, 13, 95, 94, 98, 201, 235, 306, 45, 211 and 214.

PHILLIPS, Chairman.

**ENROLLED BILLS**

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill No. 71; House Resolutions Nos. 10 and 11; and House Joint Resolutions Nos. 44, 45 and 83; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

**SIGNED**

The Speaker announced that he had signed the following: House Bill No. 71; House Joint Resolutions Nos. 44, 45 and 83; and House Resolutions Nos. 10 and 11.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No. 54; and Senate Joint Resolution No. 64; both for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**SIGNED**

The Speaker announced that he had signed the following: Senate Bill No. 54 and Senate Joint Resolution No. 64.

**REPORT OF CHIEF ENGROSSING CLERK**

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 30, 165, 332 and 333; and

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House Joint Resolutions Nos. 32, 33, 34, 35, 36, 37, 38, 39 and 53; for his action.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 44, 45 and 83; also, House Bill No. 71; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No. 55; also, Senate Joint Resolution No. 22; both for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**CALENDAR**

House Bill No. 153--Licensing Health Care Facilities.

On motion, House Bill No. 153 was made to conform with Senate Bill No. 19.

On motion, Senate Bill No. 19, on same subject, was substituted for House Bill No. 153.

Mr. Rhinehart moved that Senate Bill No. 19 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	92
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Drew, Duer, Ellis, Frensey, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King,

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Kisber, Lawson, Long, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--92.

A motion to reconsider was tabled.

House Bill No. 232--Criminal Injury Compensation Program.

Mr. Naifeh moved that House Bill No. 232 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	1

Representatives voting aye were: Bell, Bewley, Bivens, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--94.

Representative voting no was: Copeland--1.

A motion to reconsider was tabled.

House Bill No. 321--Judges, General Session Courts.

Mr. Stallings moved that House Bill No. 321 be passed on third and final

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consideration, which motion prevailed by the following vote:

Ayes .....	89
Noes .....	2
Present and not voting .....	3

Representatives voting aye were: Bell, Bewley, Bivens, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jared, Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Montgomery, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--89.

Representatives voting no were: Jackson and Williams--2.

Representatives present and not voting were: Clark, Harrill and Moody--3.

A motion to reconsider was tabled.

House Bill No. 96--Revise Public Statutes.

On motion, House Bill No. 96 was made to conform with Senate Bill No. 1.

On motion, Senate Bill No. 1, on same subject, was substituted for House Bill No. 96.

Mr. Naifeh moved that Senate Bill No. 1 be passed on third and final cosideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Buck,

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Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray—94.

A motion to reconsider was tabled.

House Bill No. 20--Schedule VII substances.

On motion, House Bill No. 20 was made to conform with Senate Bill No. 33.

On motion, Senate Bill No. 33, on same subject, was substituted for House Bill No. 20.

Mr. Scruggs moved that Senate Bill No. 33 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray—95.

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A motion to reconsider was tabled.

House Bill No. 19--Highway Height Restriction.

Mr. Scruggs moved that House Bill No. 19 be passed on third and final consideration.

Mr. Scruggs moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 19 by deleting Section 1. in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 54-17-115, is amended by deleting the first sentence in its entirety and by substituting instead the following:

The exposed portion of buildings constructed or erected on property located within one thousand feet (1,000') of a scenic highway shall not exceed a height of thirty-five (35') above the level of the highway on property located below the level of such a highway or a height of thirty-five feet (35') above the ground line on property located above the level of such a highway.

On motion, the amendment was adopted.

Mr. Odom moved to amend as follows:

**AMENDMENT NO. 2**

Amend House Bill No. 19 by adding a new section, as follows, immediately before the effective date section, and renumbering that section accordingly:

SECTION \_\_\_\_ The provisions of this act shall apply only in counties with at least three (3) Class I roads and three (3) Class II roads, located over a wide range of topographical situations.

Mr. Scruggs moved that House Bill No. 19 be placed on the Calendar for Monday, March 2, 1987, which motion prevailed.

House Bill No. 29--"Retailers' Sales Tax Act".

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Mr. Rhinehart moved that House Bill No. 29 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 29 by deleting Sections 1 and 2 and adding new Sections 1 and 2 thereto as follows:

SECTION 1. Tennessee Code Annotated, Section 67-6-102, is amended by adding the following subsection:

( ) Notwithstanding the exemptions provided by sections 67-6-322 and 67-6-329 for sales to schools, "retail sale" and "sale at retail" shall include any sale of tangible personal property or taxable services to a public or private school, grades K-12, where such property or services are intended for resale by the school. Provided that, this subsection shall not apply to sales of school books and school lunches.

SECTION 2. This Act shall take effect on upon becoming law, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, House Bill No. 29, as amended, passed its third and final consideration by the following vote:

Ayes .....	94
Noes .....	2

Representatives voting aye were: Bell, Bewley, Bivens, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes,



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Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--94.

Representatives voting no were: Dixon and Long--2.

A motion to reconsider was tabled.

House Bill No. 249--Redemption Manufacturers' Coupons.

Mr. Rhinehart moved that House Bill No. 249 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--96.

A motion to reconsider was tabled.

House Bill No. 404--Classification of Roads

Mr. Rhinehart moved that House Bill No. 404 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	97
Noes .....	0

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Representatives voting aye were: Bell, Bewley, Bivens, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--97.

A motion to reconsider was tabled.

House Bill No. 13--Teachers compensation, penal institutions.

Mr. Rhinehart moved that House Bill No. 13 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 13 by deleting Section 1 in its entirety and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 4-6-143(d)(1), is amended by deleting the words "reasonably comparable to those currently in effect in the school system where the respective institution is located" and by substituting instead the words "in effect in the county in which the respective institution is located or one-tenth (1/10) times twelve (12) of the average of the annual compensation of all the counties which are contiguous with the county in which the respective institution is located, whichever is greater,".

On motion, the amendment was adopted.

Thereupon, House Bill No. 13, as amended, passed its third and final consideration by the following vote:

Ayes .....	97
Noes .....	0

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Representatives voting aye were: Bell, Bewley, Bivens, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--97.

A motion to reconsider was tabled.

Mr. Rhinehart moved that House Bills Nos. 95 and 94 be placed on the Calendar for Monday, March 2, 1987, which motion prevailed.

House Bill No. 98--County Officials' Retirement.

On motion, House Bill No. 98 was made to conform with Senate Bill No. 268.

On motion, Senate Bill No. 268, on same subject, was substituted for House Bill No. 98.

Mr. Rhinehart moved that Senate Bill No. 268 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	97
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom,

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Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--97.

A motion to reconsider was tabled.

House Bill No. 201--Double Biennial License Fees.

Mr. Rhinehart moved that House Bill No. 201 be passed on third and final consideration.

Mr. Rhinehart moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 201 by inserting a new Section 8 as follows and designating the subsequent section accordingly:

Section 8. Tennessee Code Annotated, Section 55-17-112, is further amended by designating the existing language as subsection (a), and adding the following new subsection (b):

(b) Notwithstanding the provisions of Sections 55-17-108 and 55-17-119 to the contrary, all revenue resulting from fees, penalties or interest increased by the provisions of this act be allocated to the Tennessee Motor Vehicle Commission.

On motion, the amendment was adopted.

Thereupon, House Bill No. 201, as amended, passed its third and final consideration by the following vote:

Ayes .....	96
Noes .....	1

Representatives voting aye were: Bell, Bewley, Bivens, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell,

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King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--96.

Representative voting no was: Moody--1.

A motion to reconsider was tabled.

House Bill No. 235--Membership TCRS, City Government.

Mr. Rhinehart moved that House Bill No. 235 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	97
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Millis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--97.

A motion to reconsider was tabled.

House Bill No. 306--Scenic Highway.

On motion, House Bill No. 306 was made to conform with Senate Bill No. 161.

On motion, Senate Bill No. 161, on same subject, was substituted for House Bill No. 306.

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Mr. Wood moved that Senate Bill No. 161 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--96.

A motion to reconsider was tabled.

House Bill No. 45--Hearing impaired.

On motion, House Bill No. 45 was made to conform with Senate Bill No. 69.

On motion, Senate Bill No. 69, on same subject, was substituted for House Bill No. 45.

Mr. King moved that Senate Bill No. 69 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	97
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell,

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King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--97.

A motion to reconsider was tabled.

Mr. King moved that House Bills Nos. 211 and 214 be placed on the Calendar for Wednesday, March 4, 1987, which motion prevailed.

### **CONSENT CALENDAR**

House Joint Resolution No. 70--Honoring Chief Fred G. Davis.

House Joint Resolution No. 73--Congratulating Sullivan South High School.

House Joint Resolution No. 74--Congratulating Sullivan South High School.

House Joint Resolution No. 75--Commending National League of Women Voters.

House Joint Resolution No. 78--Honoring Tracy Baldwin.

House Joint Resolution No. 79--Congratulating Alfordson "Ford" Nelson.

House Joint Resolution No. 80--Honoring Eakin Elementary.

House Joint Resolution No. 81--Congratulating Miss Pearl Tucker.

Senate Joint Resolution No. 66--Washington County School Board.

Senate Joint Resolution No. 69--Coach Dan Winfree.

Senate Joint Resolution No. 74--Coach John Swafford and Bledsoe County High School Football Team.

Senate Joint Resolution No. 83--Phil Jurik.

Senate Joint Resolution No. 84--Memory, John W. Cooke, Jr.

House Bill No. 613--Marshall County Justices of the Peace.

House Bill No. 838--City of Adamsville, Charter.

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Mr. Phillips moved that all House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions on the Consent Calendar be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....	97
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--97.

A motion to reconsider was tabled.

Mr. Phillips moved that House Rule No. 49 be suspended in order to place bills on the Calendar for tomorrow, which motion prevailed.

**MOTIONS**

On motion of Mr. Head, House Bill No. 1173 was recalled from the Committee on Transportation.

On motion of Mr. Head, House Bill No. 1173 was withdrawn from the House.

**BILLS RE-REFERRED**

On motion of Ms. Robinson (Washington), House Bill No. 929 was recalled from the Committee on Finance, Ways and Means.

On motion of Ms. Robinson (Washington), House Bill No. 929 was re-referred to the Committee on Agriculture.



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On motion of Mr. Scruggs, House Bill 148 was recalled from the Committee on Conservation and Environment.

On motion of Mr. Scruggs, House Bill No. 148 was re-referred to the Committee on Judiciary.

### **INTRODUCTION OF RESOLUTIONS**

House Joint Resolution No. 82--Sympathy Dewey Collins, Jr.--By Rhinehart.

Under the rules, House Joint Resolution No. 82 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 85--Honoring J. D. Holt--By Kent.

Under the rules, House Joint Resolution No. 85 was referred to the Committee on Calendar and Rules.

### **SENATE JOINT RESOLUTIONS**

#### **(Congratulatory and Memorializing)**

House Joint Resolution No. 75--Honoring Coach John Mullinax.

Under the rules, House Joint Resolution No. 75 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 78--Speedy recovery Robert Brickner.

Under the rules, House Joint Resolution No. 78 was referred to the Committee on Calendar and Rules.

### **RESOLUTION LYING OVER**

Senate Joint Resolution No. 27--TVA Land Between the Lakes.

The Speaker referred Senate Joint Resolution No. 27 to the Committee on Conservation and Environment.

Mr. Naifeh moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 87 out of order, which motion prevailed.

House Joint Resolution No. 87--Budget Message, Governor Ned McWherter--By Naifeh, Burnett and Chiles.

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On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Naifeh, the resolution was adopted.

A motion to reconsider was tabled.

#### **INTRODUCTION OF BILL**

House Bill No. 1187--Haywood County judge--By Crain.

Passed first consideration.

#### **SENATE BILLS ON FIRST CONSIDERATION**

Senate Bills Nos. 4, 15, 21, 27, 32, 42, 49, 78, 98, 102, 115, 116, 117, 135, 139, 143, 148, 151, 162, 173, 176, 190, 247, 272, 273, 300, 361 and 362.

Passed first consideration.

#### **SECOND ROLL CALL**

The roll call was taken with the following results:

Present ..... 97

Representatives present were: Bell, Bewley, Bivens, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--97.

#### **REPORT OF COMMITTEE ON CALENDAR AND RULES**

**MR. SPEAKER:** Your Committee on Calendar and Rules begs leave to report that we have met and set the following bill on the Calendar

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for Thursday, February 26, 1987: House Bill No. 126.

PHILLIPS, Chairman.

**SPONSORS ADDED**

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 29--Stallings and Hurley

House Bill No. 489--Bivens

House Bill No. 640--Wheeler

House Bill No. 1124--Holt, Herron and Jackson

House Bill No. 94--Stallings

House Bill No. 95--Stallings

House Bill No. 232--Kent

House Bill No. 489--Peroulas

House Bill No. 540--Peroulas

House Bill No. 631--Garrett

House Bill No. 660--Garrett

House Bill No. 791--Kisber

House Bill No. 1059--Turner (Hamilton)

**REPORTS FROM STANDING COMMITTEES**

**AGRICULTURE**

MR. SPEAKER: Your Committee on Agriculture begs leave to report that we have carefully considered and recommend for passage: House Bill No. 490 (with amendment) and House Joint Resolution No. 40.

STALLINGS, Chairman.

Under the rules, House Bill No. 490 and House Joint Resolution No. 40 were transmitted to the Committee on Calendar and Rules.

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**COMMERCE**

MR. SPEAKER: Your Committee on Commerce begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 266, 271 (with amendment), 276, 353, 437 (with amendment) and 521 and further recommend that pursuant to House Rule No. 71, House Bill No. 266 be referred to the Committee on Finance, Ways and Means.

BIVENS, Vice Chairman.

Under the rules, House Bills Nos. 271, 276, 353, 437 and 521 were transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 72, the Speaker referred House Bill No. 266 to the Committee on Finance, Ways and Means.

**CONSERVATION AND ENVIRONMENT**

MR. SPEAKER: Your Committee on Conservation and Environment begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 259 (with amendment), 313 (with amendment), 336 and 337.

HILLIS, Chairman.

Under the rules, House Bills Nos. 259, 313, 336 and 337 were transmitted to the Committee on Calendar and Rules.

**EDUCATION**

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 17, 135, 136, 311, 366, 368 (with amendment), 449, 556 and 680 (with amendments) and further recommend that pursuant to House Rule No. 71, House Bill No. 136 be referred to the Committee on Finance, Ways and Means.

DAVIDSON, Chairman.

Under the rules, House Bills Nos. 17, 135, 311, 366, 368, 449, 556 and 680 were transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 71, the Speaker referred House Bill No. 136 to the Committee on Finance, Ways and Means.

**FINANCE, WAYS AND MEANS**

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for

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passage: House Bills Nos. 97 (with amendment), 542, 555 and 563.

**BRAGG, Chairman.**

Under the rules, House Bills Nos. 97, 542, 555 and 563 were transmitted to the Committee on Calendar and Rules.

### **GENERAL WELFARE**

**MR. SPEAKER:** Your Committee on General Welfare begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 147, 194 and 444 (with amendment).

**STARNES, Chairman.**

Under the rules, House Bills Nos. 147, 194 and 444 were transmitted to the Committee on Calendar and Rules.

### **GOVERNMENT OPERATIONS**

**MR. SPEAKER:** Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: House Bill No. 558.

**KING, Chairman.**

Under the rules, House Bill No. 558 was transmitted to the Committee on Calendar and Rules.

### **JUDICIARY**

**MR. SPEAKER:** Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 302, 304, 459 and 436.

**BUCK, Chairman.**

Under the rules, House Bills Nos. 302, 304, 459 and 436 were transmitted to the Committee on Calendar and Rules.

### **STATE AND LOCAL GOVERNMENT**

**MR. SPEAKER:** Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 122, 125, 133 (with amendment), 240 (with amendment), 265, 282, 346, 371, 384, 407 and 450 and further recommend that pursuant to House Rule No. 71, House Bills Nos. 125, 371 and 407 be referred to the Committee on Finance, Ways and Means.

**MILLER, Chairman.**

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Under the rules, House Bills Nos. 122, 133, 240, 265, 282, 346, 384, and 450 were transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 72, the Speaker referred House Bills Nos. 125, 371 and 407 to the Committee on Finance, Ways and Means.

### **TRANSPORTATION**

MR. SPEAKER: Your Committee on Transportation begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 252, 263, 362 and 433 and further recommend that pursuant to House Rule No. 72, House Bill No. 252 be referred to the Committee on Finance, Ways and Means.

ROBINSON (Davidson), Chairman.

Under the rules, House Bills Nos. 263, 362 and 433 were transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 72, the Speaker referred House Bill No. 252 to the Committee on Finance, Ways and Means.

### **SIGNED**

The Speaker announced that he had signed the following: Senate Bill No. 55; and Senate Joint Resolution No. 22.

### **REPORT OF CHIEF ENGROSSING CLERK**

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill No. 71; and House Joint Resolutions Nos. 44, 45 and 83; for his action.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

### **LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES**

In accordance with Rule No. 48, the following local bills, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 532, 594, 640, 723, 743 and 744.

### **REPORT OF COMMITTEE ON CALENDAR AND RULES**

#### **CONSENT CALENDAR**

MR. SPEAKER: The officers of your Committee on Calendar and

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Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Thursday, February 26, 1987: House Bills Nos. 36, 37, 50, 53 and 335; House Joint Resolutions Nos. 82, 85; Senate Joint Resolutions Nos. 75, 78; House Bills Nos. 532, 594, 640, 723, 743 and 744.

PHILLIPS, Chairman.

**NOTICE PURSUANT TO RULE NO. 59**

Pursuant to Rule No. 59, sponsor gave notice of his intentions to consider the following measures from the Senate on Monday, March 2, 1987:

House Bill No. 63--Yelton.

**ENGROSSED BILLS**

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 13, 29, 201, 235, 249 and 404; and House Joint Resolutions Nos. 70, 74, 78, 80, 81 and 87; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 232, 613 and 838; and House Joint Resolutions Nos. 73, 75 and 79; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills Nos. 30, 165, 332, 333 and 71; and House Joint Resolutions Nos. 32, 33, 34, 35, 36, 37, 38, 39, 53 and 83; with his approval.

DAVID H. WELLES,  
Counsel to the Governor.

On motion of Mr. Naifeh the House adjourned until 9:30 a.m. tomorrow.